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## Office of the Governor

March 6, 2017

Chairman Laurie A. Thom  
Yerington Paiute Tribe  
171 Campbell Lane  
Yerington, NV 89447

RE: Anaconda Mine Site, Lyon County, NV  
EPA National Priorities List Status

Dear Chairman Thom:

Thank you for your correspondence from December 1, 2016, and February 6, 2017 regarding the Anaconda Mine Site (Site). My office has been briefed on this matter by the Nevada Division of Environmental Protection (NDEP), and we have prepared this correspondence in consultation with and after receiving input from the Environmental Protection Agency (EPA) and the Bureau of Land Management (BLM).

The State of Nevada acknowledges the Yerington Paiute Tribe's (Tribe) longstanding concerns and involvement with investigation and cleanup activities at the Site. We share your commitment to addressing the Site and protecting the adjacent community. In coordination with EPA and BLM, NDEP has advanced the remedy selection process for the former Arimetco portion of the Site, designated as Operable Unit 8 (OU-8). In December 2016, NDEP presented a proposed remedy for OU-8 to the community and to the Walker River Paiute Tribe Chairman. Also in December, the EPA and BLM consulted directly with the Tribe on the proposed remedy. Together, the three agencies are planning to complete a Record of Decision for the OU-8 remedy this summer.

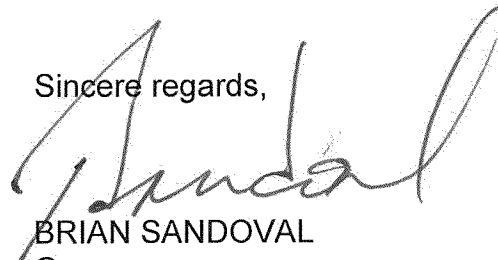
While the Site is on a track to be listed on the EPA National Priorities List (NPL), other options for addressing the Site as a whole and to provide funding for OU-8 are under evaluation. These options include postponing final NPL listing or formal deferral under CERCLA Section 105(h) (42 U.S.C. § 9605(h)), as explained in the attachment that accompanied EPA's December 22, 2015 letter seeking my concurrence with NPL listing. After further review, and in consideration of the request in my March 29, 2016 conditional concurrence letter to preserve the option for a State-led public-private funding solution, EPA is postponing final NPL listing until this summer when a final request from the State of Nevada on deferral or NPL listing is anticipated.

I appreciate and value the Tribe's participation and input on this important matter. I have directed NDEP to engage with the Tribe and other stakeholders as part of a consultation process to inform NDEP's decision to recommend either deferral or final NPL listing. During the consultation, NDEP will review how it proposes to coordinate with the Tribe under a deferral scenario and work to address any concerns or questions the Tribe may have. NDEP and Tribal Government interactions benefit from the October 2005 Consultation Protocol approved by the Tribal Council as part of Resolution No. RY 05-26. That protocol defines consultation between the Tribe and NDEP as a face-to-face meeting between the NDEP Administrator or his designee and the Tribal Chairman or his or her designee.

As NDEP's consultation process with the Tribe and other Site stakeholders progresses, I plan to monitor the situation closely and may schedule meetings with the Tribe and other stakeholders as needed to advance the discussion. We look forward to expanding and building on our current relationship with the Yerington Paiute Tribe and facilitating transparency and clear and open dialogue during this process. It is my understanding that EPA and BLM are also committed to consulting with the Yerington Paiute Tribe and Walker River Tribe as part of this evaluation.

NDEP will be in contact with your staff to schedule a series of meetings in the near future. If you have any questions regarding this letter, please contact Greg Lovato, Administrator, Division of Environmental Protection, at 775-687-9373.

Sincere regards,



BRIAN SANDOVAL  
Governor

cc: Amber Torres, Chairman, Walker River Paiute Tribe  
William Campbell, Tribal-State Environmental Liaison, Inter-Tribal Council of Nevada  
Jeff Page, County Manager, Lyon County  
Dan Newell, City Manager, City of Yerington  
Brad Crowell, Director, Department of Conservation and Natural Resources  
Greg Lovato, Administrator, Division of Environmental Protection  
Alexis Strauss, Acting Regional Administrator, US EPA Region 9  
Enrique Manzanilla, Director, Superfund Division, US EPA Region 9  
John Ruhs, Nevada State Director, Bureau of Land Management  
Brian Amme, Deputy Director - Minerals, Bureau of Land Management